



CITY COUNCIL

Evidentiary Hearing

Liquor License Inter-municipal Transfer

1626 Perkiomen Ave

Wednesday, May 9, 2012

Penn Room

5:00 p.m.

I. Call to Order & Purpose

Act 141 of 2000 amends the Commonwealth's Liquor Code to require the receiving municipality to hold a public hearing to obtain input from the community about the impact the approval of the liquor license transfer would have on their neighborhood if the number of licenses in the municipality exceeds one license per 3,000 inhabitants as determined at the date of filing of the application. The City of Reading has 117 active licenses and 7 licenses in safekeeping with the LBC. City Council must make a decision to approve or deny the transfer within 45 days after the request to transfer to transfer is made.

II. Testimony from Applicant (No more than 5 minutes)

During the hearing process, applicants are cautioned not to address the Administrative staff present but to make their presentation directly to City Council. The applicant may ask the President of Council or the Hearing Master to relay a question to Administrative staff.

Owner: Soni Properties LLA, 2825 Soni Dr. Norristown PA 19403, aka Shop Smart Buy Smarter. Inc. aka Frank M Gussoni

III. Council's Cross Examination

IV. Testimony from City Staff (No more than 5 minutes)

1. Police
2. Zoning

V. Other Testimony and Evidence

VI. Public Comment (No More than 3 minutes per speaker)

VII. Rebuttal by Applicant (No more than 5 minutes)

VIII. City Council will render a decision by adopting resolution at the May 29th Regular Meeting of Council

IX. Adjourn

Subchapter F. INTERMUNICIPAL TRANSFER OF RETAIL LICENSES

Sec.

- [7.61.](#) Criteria for intermunicipal transfer of retail licenses.
- [7.62.](#) Refusal of an intermunicipal transfer by receiving municipality.
- [7.63.](#) Municipal standing before the Board.
- [7.64.](#) Appeal of Board decision.
- [7.65.](#) Subsequent transfers.

Source

The provisions of this Subchapter F adopted November 12, 2004, effective November 13, 2004, 34 Pa.B. 6139, unless otherwise noted.

§ 7.61. Criteria for intermunicipal transfer of retail licenses.

(a) Restaurant, eating place retail dispenser and club licenses may be transferred from one municipality to another municipality within the same county, without approval from the receiving municipality, if both of the following apply:

(1) The number of existing licenses in the receiving municipality does not exceed one license per 3,000 inhabitants as determined at the date of filing of the application.

(2) The applicant submits the appropriate application forms and associated fees to the Bureau of Licensing.

(b) If the number of existing licenses in the receiving municipality exceeds one license per 3,000 inhabitants or if the population of the receiving municipality is less than 3,000 inhabitants and the receiving municipality has an existing license:

(1) The applicant shall request approval from the receiving municipality for the intermunicipal transfer of the license.

(2) Upon request for approval of an intermunicipal transfer of a license by the applicant, at least one public hearing shall be held by the receiving municipality for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to transfer the license into the municipality.

(3) The receiving municipality shall, within 45 days of a request for approval, render a decision by ordinance or resolution to approve or disapprove the applicant's request for an intermunicipal transfer.

(4) The receiving municipality shall approve the request unless it finds that doing so would adversely affect the welfare, health, peace and morals of the municipality or its residents.

(5) The applicant shall submit to the Board, along with its application for transfer, a copy of the receiving municipality's approval of the intermunicipal transfer of the license in the form of an ordinance or resolution which includes the applicant's name and exact address.

§ 7.62. Refusal of an intermunicipal transfer by receiving municipality.

If the receiving municipality refuses to grant approval for the intermunicipal transfer of the license, an applicant may appeal the decision to the court of common pleas in the county in which the proposed licensed premises is located. The appeal is from the decision of the municipality.

§ 7.63. Municipal standing before the Board.

(a) The receiving municipality may file a protest against the approval of an intermunicipal transfer of a license into its municipality and such municipality shall have standing in a hearing to present testimony in support of or against the transfer of a license.

(b) If the Board receives a protest from the receiving municipality, the Board may refuse an application for an intermunicipal transfer of a license.

(c) A protest must be filed within the time allowed by § 17.13 (relating to protests/intervention procedure).

§ 7.64. Appeal of Board decision.

(a) The receiving municipality may file an appeal of the Board decision granting the license, within 20 days of the date of the Board's decision, to the court of common pleas in the county in which the proposed licensed premises is located.

(b) The applicant may file an appeal of the Board's decision denying the license, within 20 days of the date of the Board's decision, to the court of common pleas in the county in which the proposed licensed premises is located.

§ 7.65. Subsequent transfers.

Licenses transferred from one municipality to another may not be transferred out of the receiving municipality for 5 years from the date of operation in the receiving municipality.